

REMARKS

5        The Title of the Invention and Abstract have been amended. The Specification has been amended. Claims 1, 8, 9, 13-15, 21, and 22 have been amended. Claims 1-24 remain in the application. Further examination and reconsideration of the application, as amended, is hereby requested.

10      On page 2 of the Office Action, the Examiner objected to the disclosure due to informalities and requested that the Applicants replace the word "Fabre" with "Fabry". Applicants have amended the Title, the Abstract and paragraph [0001] to correct these informalities. Applicants respectfully request withdrawal of this objection.

15      On page 2 of the Office Action, the Examiner objected to claims 1-20 and 22-24 due to informalities.

In particular for claims 1, 14, and 21, the Examiner suggested that the word "Fabre" be replaced with "Fabry". Applicants have amended claims 1, 14, and 21 as suggested by the Examiner.

20      In particular for claims 1, 15, and 22, the Examiner suggested adding the phrase "between the top and bottom plates" after "a second relative displacement" for better clarity and avoidance of confusion. Applicants have amended these claims as suggested by the Examiner.

In particular for claim 8, claim 8 has been amended to depend from claim 4 as suggested.

25      In particular for claim 9, claim 9 has been amended to depend from claim 8 as suggested.

In particular for claim 13, claim 13 has been amended to include antecedent basis for the term "bottom conductive plates".

30      In particular for claim 14, claim 14 has been amended as suggested by the Examiner.

Applicants wish to express their appreciation to the Examiner for pointing out these informalities and his helpful recommendations. Withdrawal of these objections to the claims is respectfully requested.

35      On page 3 of the Office Action, the Examiner rejected claims 21-24 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. In particular for claim 21, the Examiner states that the word

"individually" is confusing. Applicants have amended claim 21 to change the word "individually" to "independently" to further define and distinguish their invention over the art made of record. Withdrawal of this rejection for claims 21-24 is respectfully requested.

5           On page 4 of the Office Action, the Examiner rejected claims 14 and 21 under 35 USC 102(b) as being anticipated by Hilgeman. Applicants have amended claims 14 and 21 to more clearly define and distinguish their invention. Claim 14 has been amended such that the method comprises "using first and  
10 second electromechanical transducers to *independently* change a distance between the top and bottom plates of the FP interferometer." Similarly, claim 21 has been amended such that the apparatus includes "first and second electromechanical transducer means for *independently* changing a distance between the top and bottom plates of the FP interferometer." Hilgeman does not  
15 disclose, teach, or suggest having independent transducers or transducer means for changing the distance between the top and bottom plates as now claimed in claims 14 and 21, as amended. Withdrawal of the rejection under 35 USC 102(b) is respectfully requested.

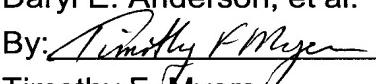
20           On page 4 of the Office Action, the Examiner indicated that claims 15-20, and 22-24 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent format including all the limitations of the base and any intervening claims if the objection for said claims were overcome. Claim 1 was indicated as allowable if rewritten or amended to  
25 overcome the objections set forth. Claims 2-13 were indicated as allowable if rewritten to overcome the objections and to include the limitations of the base and any intervening claims. Applicants wish to express their appreciation to the Examiner for this indication of allowance. Applicants have not placed these dependent claims in independent format at this time as Applicants believe that the  
30 amended base claims are patentable over the art made of record as amended.

Applicants believe their claims as amended are patentable over the art of record, and that the amendments made herein are within the scope of a search properly conducted under the provisions of MPEP 904.02. Accordingly, claims 1-24 are deemed to be in condition for allowance, and such allowance is respectfully requested.

If for any reason the Examiner finds the Application other than in a condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative at the number listed below to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2025. Should such fees be associated with an extension of time, Applicants respectfully request that this paper be considered a petition therefore.

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